REMARKS

The Office Action dated September 7, 2007, has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

Claims 1-3, 5-21, 23-36, 45-47, and 49-69 are currently pending in the application, of which claims 1, 19, 45, 60, and 65-66 are independent claims. Claims 1-3, 5-21, 23-36, 45-47, and 49-69 are respectfully submitted for consideration.

Yesterday, December 6, 2007, an interview was conducted between Applicants' representative and the Examiner. Applicants thank the Examiner for the courtesies extended to Applicants' representative during the interview. As an interview summary has not yet been received, a summary of the interview follows.

During the interview, the failure of the references to disclose or suggest the various features of the claims as well as the impropriety of the rejection, as set forth in detail below. Agreement was not reached.

For example, the Examiner insisted that a first user sending a message (using network 2a) to a second user (connected to network 2b) corresponded to the claimed "wherein the first system entity (network 2a) is configured to send a message to the second system entity (network 2b)," referring to Valloppillil's cover figure (Figure 1).

Applicants' representative noted that this interpretation seems irregular, because neither of the first or second networks is configured to provide either a multimedia messaging service or a value added service within the ordinary meaning of the terms.

The Examiner responded that those terms are (to the Examiner) given a very broad meaning. It is important, however, to recognize that the terms of the claims must be given their ordinary meaning, and that the broadest reasonable interpretation must be made **in light of the specification**.

Likewise, turning to Karlsson, the Examiner admitted that message referenced was a message from the MSC of Karlsson to the HLR of Karlsson. Finally, the Examiner admitted that in Yamaguchi, the entity that uses the roaming information is a gateway.

Applicants' representative pointed out that there was no particular reason to select those features from the various references. The Examiner responded that all the references had to do with cellular technology, and that consequently, any feature from any of the references was properly combinable with any feature from any of the other references.

Applicants' representative also pointed out that the messages and entities involved in each of the cited references are different from each other. The Examiner simply argued that the claim is very broad, and so each reference can properly correspond to the claim. Applicants' representative noted that one problem with the proposed combination was not about whether each reference could have some relation to the claim, but about the dissimilarities **among the references themselves**. The Examiner indicated that he was not willing to agree that the references differ from each other, and that he did not consider such a fact persuasive.

During the interview, the Examiner remarked that "Value Added Services" was defined in the present application, at paragraph [0005]. This is not correct. Paragraph [0005] merely provides some examples of value added services, and should not be taken to be an exhaustive list. The term "value added services" should, therefore, be given its full ordinary meaning within the art, and should not be limited to the examples provided in paragraph [0005].

Applicants continue to traverse the rejections presented, for the reasons set forth in detail below.

Claims 1-2, 5, 8-9, 11-20, 23, 26-27, 29-36, 45-46, 49, 52-53, 55-60, and 65-66 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0092272 of Valloppillil ("Valloppillil") in view of U.S. Patent Application Publication No. 2003/0027572 of Karlsson et al. ("Karlsson") and further in view of U.S. Patent Application Publication No. 2001/0029177 of Yamaguchi ("Yamaguchi"). The Office Action took the position with respect to the independent claims, that Valloppillil discloses many of the features of the claims, but cited Yamaguchi as disclosing or suggesting "wherein the message comprises roaming information about the user equipment." The Office Action took the position that the combination of Valloppillil and Karlsson, however, still failed to disclose the all of the features of the claims. Accordingly, to remedy these deficiencies of Valloppillil and Karlsson the Office Action cited Yamaguchi. Applicants respectfully traverse this rejection.

Claim 1, upon which claims 2-3, 5-18, and 67 depend, is directed to an apparatus including a first system entity configured to provide a multimedia messaging service to user equipment connected to a network of a system. The apparatus also includes a second system entity configured to provide a value added service to a user of the user equipment via the multimedia messaging service. The first system entity is configured to send a message to the second system entity. The message includes roaming information about the user equipment. The second system entity is configured to use the roaming information when providing the value added service to the user equipment.

Claim 19, upon which claims 20-21, 23-36, 61-62, and 68 depend, is directed to a method for providing a multimedia messaging service in a telecommunications system comprising a first system entity configured to provide multimedia messaging service to a user equipment connected to a network of the system, and a second system entity configured to provide a value added service to a user of the user equipment via the multimedia messaging service. The method includes sending a message from the first system entity to the second system entity. The message comprises roaming information about the user equipment. The method also includes using the roaming information when providing the value added service to the user equipment.

Claim 45, upon which claims 46-47, 49-59, 63-64, and 69 depend, is directed to a value added service providing element configured to provide a value added service to a user of user equipment connected to a network via a multimedia messaging service that is provided by a multimedia messaging service providing system entity. The value added

service providing element is also configured to receive a message from the multimedia messaging service providing system entity, wherein the message comprises roaming information about the user equipment. The value added service providing element is further configured to use the roaming information when providing the value added service to the user equipment.

Claim 60 is directed to a computer-readable storage medium comprising a computer program set, wherein the execution of the program set in a computer connected to a telecommunications system causes the computer to execute providing a value added service to a user of user equipment connected to a network of a telecommunications system via a multimedia messaging service that is provided by a multimedia messaging service providing system entity. The execution of the program set also causes the computer to execute receiving a message from the multimedia messaging service providing system entity, wherein the message comprises roaming information about the user equipment. The execution of the program set further causes the computer to execute using the roaming information when providing the value added service to the user equipment.

Claim 65 is directed to a system including a first system entity means for providing multimedia messaging service to a user equipment connected to a network of the system. The system also includes a second system entity means for providing a value added service to a user of the user equipment via the multimedia messaging service. The system further includes sending means for sending a message from the first system entity

means to the second system entity means, wherein the message comprises roaming information about user equipment. The second system entity means is configured to use the roaming information when providing the value added service to the user equipment.

Claim 66 is directed to a method including providing a multimedia messaging service to user equipment connected to a network of a system. The method also includes providing a value added service to a user of the user equipment via the multimedia messaging service. The method further includes sending a message from a first system entity to a second system entity, wherein the message comprises roaming information about the user equipment. The method additionally includes using the roaming information when providing the value added service to the user equipment.

As explained at paragraph [0008] of the present application, certain embodiments of the present invention can advantageously produce a value added service dependently or conditionally on roaming information. Thus, with knowledge that the user equipment is roaming, the content can be adapted such that, for example, the transfer time and hence costs incurred are reduced.

Applicants respectfully submit that the combination of Valloppillil, Karlsson, and Yamaguchi fails to disclose or suggest all of the features of any of the presently pending claims, and consequently cannot provide the critical and non-obvious advantages discussed above.

Valloppillil generally relates to an asynchronous messaging based system for publishing and accessing content and accessing applications on a network with mobile

devices. As explained at paragraph [0013] thereof, Valloppillil aims to provide a powerful way for wireless subscribers to publish and access many types of content from their mobile devices, in a manner that is user friendly, so as to encourage use, and that provides wireless carriers with an efficient way to derive revenue.

Claim 1 recites, in part, "wherein the first system entity is configured to send a message to the second system entity." Valloppillil fails to disclose or suggest at least this feature of claim 1.

The Office Action took the position that Valloppillil discloses this feature of claim 1 at paragraphs [0066] and [0101]. Applicants respectfully disagree. Valloppillil does not disclose or suggest that a first system entity, configured to provide a multimedia messaging service, would be configured to send a message to a second system entity, configured to provide a value added service.

In the Office Action's comparison, as previously understood, Valloppillil's first system entity (*i.e.* the entity that provides a multimedia messaging service) is the MMSC 4. Neither paragraph [0066] or [0101] of Valloppillil (cited by the Office Action) discloses the MMSC 4 sending any message to any other entity, unless it is to be understood that the Office Action's assertion is that the user 1 sending a message such as "*save" to the MMS publishing system 7 constitutes the claimed recitation. Such a correlation would be improper, because the claim recites that the first system entity provides the multimedia messaging service "to user equipment," which distinguishes the

first system entity from the user equipment. Accordingly, Valloppillil is deficient at least with respect to this feature of claim 1.

However, as clarified in the interview, the Office Action is asserting that a user and/or the network to which the user is connected correspond to the first system entity. In such a case, it should be clear that a user and/or the user's network in Karlsson is not "a first system entity configured to provide a multimedia messaging service to user equipment connected to a network of a system." Accordingly, the rejection is clearly improper under the clarified basis for the rejection provided during the interview. Indeed, the clarified reason for the rejection is clearly inconsistent with the reason that Valloppillil was selected as a reference in the first place. Valloppillil evidentally was selected as a reference because it mentions multimedia messaging. Valloppillil, however, does not suggest that a user and/or its network is "a first system entity configured to provide a multimedia messaging service to user equipment connected to a network of a system," as recited in claim 1. Thus, the rejection is clearly improper and should be withdrawn for at least this reason.

In addition, the Office Action admitted that Valloppillil fails to disclose or suggest "wherein the message comprises roaming information about the user equipment," as recited in claim 1. Likewise, the Office Action implicitly admitted that Valloppillil fails to disclose or suggest "wherein the second system entity is configured to use the roaming information when providing the value added service to the user equipment," as recited in claim 1.

The Office Action cited Karlsson to remedy the first of those two deficiencies of Valloppillil with respect to claim 1. Karlsson fails to remedy either of these or the additional deficiencies noted above, and consequently the combination of Valloppillil and Karlsson fails to disclose or suggest all of the elements of any of the presently pending claims.

Karlsson generally relates to a method and system for primary paging location of a mobile terminal. As discussed at paragraph [0015] thereof, Karlsson aims to provide a way to reduce the amount of congestion within a service area due to global pages after an MSC/VLR system restart and reload. More particularly, Karlsson aims to provide a way to store additional area information of the mobile terminal so that the information can be restored when such a system restart and reload occurs.

Karlsson, however, is entirely silent with respect to multimedia messaging service or entities configured to provide such service. Likewise, Karlsson does not disclose anything about any kind of value added service or entities configured to provide value added service. In particular, Karlsson discloses nothing at all about the provision of value added service to a user of user equipment via a multimedia messaging service.

At paragraph [0048], Karlsson indicates that "the MSC-A/VLR 102A sends an update subscriber data message that includes the new roaming area information 204 of the mobile terminal 110 to the HLR/GLR 108." It should be noted, however, that neither is the MSC-A/VLR a multimedia messaging service entity, nor is the HLR/GLR a value added service entity.

As noted above, Valloppillil fails to disclose or suggest, "wherein the first system entity is configured to send a message to the second system entity," as recited in claim 1. As noted above, because Karlsson does not disclose an entity configured to provide a multimedia messaging service or an entity configured to provide a value added service, Karlsson cannot remedy the deficiency of Valloppillil with respect to this feature of claim 1.

For similar reasons, because Karlsson does not disclose any such message being sent or such entities being present in the communication system, Karlsson cannot disclose or suggest "wherein the message comprises roaming information about the user equipment," or "wherein the second system entity is configured to use the roaming information when providing the value added service to the user equipment," as recited in claim 1.

The Office Action took the position that the former feature of claim 1, "wherein the message comprises roaming information about the user equipment," is disclosed by Karlsson at paragraphs [0035] and [0048]. The cited passages, however, merely deal with the transfer of roaming information between the MSC and HLR, as discussed above taking paragraph [0048] as an example.

The Examiner, during the interview discussed above, recognized this difference, but failed to appreciate its significance. This difference is significant, because a message between two users is unlike a message from an MSC to an HLR. Thus, it would not be obvious to incorporate a feature such as "roaming information about the user equipment"

into the dissimilar message of Valloppillil (assuming that Valloppillil actually discloses a relevant message, which is not admitted). Because the functional content of the message is conventionally based on the purpose of the message, a message with a different purpose (as here) would not be expected to have the same functional content. Accordingly, one of ordinary skill in the art would find no reason to combine the content of Karlsson's message from the MSC to HLR into any of the messages of Valloppillil. Thus, the rejection is clearly improper and should be withdrawn.

The Office Action took the position that it would have been obvious to modify the message of Valloppillil to including the roaming information, "in order to reduce paging congestion in the network," citing the abstract of Karlsson. However, simply adding roaming information to messages in general is not what is alleged by Karlsson to provide the benefit of reducing paging congestion. Indeed, one of ordinary skill in the art would not have a reasonable expectation of success of reducing paging congestion in the network of Valloppillil by adding roaming information to, for example, the "*send" message described at paragraph [0066] of Valloppillil. Thus, the rejection is clearly improper and should be withdrawn.

Furthermore, one of ordinary skill in the art would not have found motivation in Karlsson's disclosure to add the roaming information to any other message than the update subscriber data message, as proposed by Karlsson. Accordingly, one of ordinary skill in the art would find no teaching, motivation, suggestion, or other reason to modify

Valloppillil so as to correspond to what is claimed, even in view of the combined teachings of Valloppillil and Karlsson.

Turning to the latter implicitly admitted deficiency of Valloppillil with respect to claim 1, "wherein the second system entity is configured to use the roaming information when providing the value added service to the user equipment," the Office Action admitted that Karlsson does not remedy this deficiency of Valloppillil, and consequently cited Yamaguchi. Yamaguchi does not remedy the above-identified deficencies of Valloppillil and/or Karlsson, and consequently the combination of Valloppillil, Karlsson, and Yamaguchi fails to disclose or suggest all of the elements of any of the presently pending claims.

Yamaguchi generally relates to a mobile communication system, method, and program. Specifically, as described at paragraph [0013] thereof, Yamaguchi aims to provide a mobile communication system capable of providing content services to a user service effectively.

Unsurprisingly, therefore, Yamaguchi fails to remedy the above-identified deficiencies of the combination of Valloppillil and Karlsson. Indeed, Yamaguchi does not even disclose or suggest, "wherein the second system entity is configured to use the roaming information when providing the value added service to the user equipment," (claim 1) for which it was cited in the Office Action.

The Office Action took the position that Yamaguchi discloses such a feature at paragraphs [0048], [0068], [0078], [0086], and [0102]. The cited paragraphs, however,

do not make any mention of "providing the value added service to the user equipment," as recited in claim 1.

Indeed, although some of the cited paragraphs generally mention use being made of "roaming information," nevertheless, that does not correspond to what is claimed, because what is recited in claim 1 is specifically, "wherein the second system entity is configured to use the roaming information when providing the value added service to the user equipment."

Furthermore, it would not have been obvious to combine Yamaguchi with Valloppillil or Karlsson to arrive at what is claimed. "The roaming information" in claim 1 refers back to roaming information provided to the second entity in a message from the first entity. The inconsistency between the two different kinds of messages sent in Valloppillil and Karlsson is noted above. The addition of Yamaguchi to the combination compounds that problem.

Specifically, in the cited paragraphs of Yamaguchi, the entity using the roaming information (or potentially using the roaming information) is a gateway unit. It should be immediately noted that a gateway unit does not fully correspond to the claimed "second entity," because the claimed "second entity" is "a second system entity configured to provide a value added service to a user of the user equipment via the multimedia messaging service," as recited in claim 1.

Nevertheless, regardless of the fact that the gateway unit of Yamaguchi is not a "second entity" as defined in the claims, Yamaguchi's gateway is **also** not an MSC or

HLR (the alleged first and second entities in Karlsson) nor a user/network (the alleged first and second entities of Valloppillil). Thus, for similar reasons to those discussed above, one of ordinary skill in the art would see no reason to apply the specific selected teachings of Yamaguchi to those of either Karlsson or Valloppillil, because different network entities are involved.

The Office Action stated that one of ordinary skill in the art would have been motivated to include such a feature, "so that content services are continued for the mobile mobile user terminal," citing Yamaguchi's abstract. This alleged motivation is clearly incorrect, because it is essential in Yamaguchi that the roaming information be used **in the gateways**, but the gateways do not correspond either to the claimed second entity, nor to the user/network of Valloppillil or the MSC/HLR of Karlsson. Accordingly, one of ordinary skill in the art would have had no reasonable expectation of success in achieving the object of Yamaguchi, if the entity were changed, because the entity that uses the roaming information is an essential part of the Yamaguchi's invention.

The impropriety of the combination of references cannot be overstated. The Office Action's application of art to the claims consists of extracted isolated features from three references and combining them in an attempt to provide correspondence to what is claimed. In the process, the original context of the features cited in the reference is ignored, as is the context of the claim. Both the references themselves and the claims must be considered as a whole. The Office Action has not done this, and consequently, the rejection presented in the Office Action is clearly improper and must be withdrawn.

Independent claims 19, 45, 60, and 65-66 each have their own scope, but each recite at least some of the features discussed above, with respect to which the combination of Valloppillil, Karlsson, and Yamaguchi is deficient, and these independent claims were not separately rejected. Accordingly, it is respectfully submitted that claims 19, 45, 60, and 65-66 are likewise patentable over the combination of Valloppillil and Karlsson, and it is respectfully requested that the rejection of claims 19, 45, 60, and 65-66 be withdrawn.

Claims 2, 5, 8-9, 11-18, 20, 23, 26-27, 29-36, 46, 49, 52-53, and 55-59 depend respectively from, and further limit, claims 1, 19, and 45. Claims 2, 5, 8-9, 11-18, 20, 23, 26-27, 29-36, 46, 49, 52-53, and 55-59, therefore, each recite subject matter that is neither disclosed nor suggested in the combination of Valloppillil, Karlsson, and Yamaguchi. Thus, it is respectfully requested that the rejection of claims 2, 5, 8-9, 11-18, 20, 23, 26-27, 29-36, 46, 49, 52-53, and 55-59 be withdrawn.

Claims 6-7, 24-25, 50-51, and 61-64 were rejected under 35 U.S.C. 103(a) as being unpatentable over Valloppillil in view of Karlsson and Yamaguchi and further in view of U.S. Patent Application Publication No. 2003/0193967 of Fenton et al. ("Fenton"). The Office Action took the position that the combination of Valloppillil, Karlsson, and Yamaguchi discloses most of the features of the claims, but cited Fenton to remedy certain further limitations of the claims. Applicants respectfully submit that the claims recite subject matter that is neither disclosed nor suggested in the combination of Valloppillil, Karlsson, Yamaguchi, and Fenton.

Claims 6-7, 24-25, 50-51, and 61-64 depend respectively from, and further limit, claims 1, 19, and 45. At least some of the deficiencies of claims the combination of Valloppillil, Karlsson, and Yamaguchi with respect to claims 1, 19, and 45 are discussed above. Fenton does not remedy the above-identified deficiencies of Valloppillil, Karlsson, and Yamaguchi, and consequently the combination of Valloppillil, Karlsson, Yamaguchi, and Fenton fails to disclose or suggest all of the elements of any of the presently pending claims.

Fenton generally relates to a method, apparatus, and system for processing multimedia messages. As explained at paragraphs [0003] to [0007] thereof, Fenton aims to provide a method, apparatus, and system that process multimedia messages and is capable of supporting current and future multimedia messaging services, as well as to exploit the advances being made in the world multimedia community, with additional mobile requirements. Accordingly, it is unsurprising that Fenton fails to remedy the above-identified deficiencies of the combination of Valloppillil, Karlsson, and Yamaguchi.

Thus, it is respectfully submitted that the combination of Valloppillil, Karlsson, Yamaguchi, and Fenton fails to disclose or suggest all of the elements of claims 6-7, 24-25, 50-51, and 61-64, and it is respectfully requested that the rejection of claims 6-7, 24-25, 50-51, and 61-64 be withdrawn.

Claims 3, 10, 21, 28, 39, 47, and 54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Valloppilli in view of Karlsson and Yamaguchi and further in view of

U.S. Patent No. 6,917,813 of Elizondo ("Elizondo"). The Office Action took the position that the combination of Valloppillil, Karlsson, and Yamaguchi discloses most of the features of the claims, but cited Elizondo to remedy certain further limitations of the claims. Claim 39 was previously canceled without prejudice or disclaimer. Thus, the rejection of claim 39 is clearly improper and should be withdrawn. Applicants respectfully submit that the claims recite subject matter that is neither disclosed nor suggested in the combination of Valloppillil, Karlsson, Yamaguchi, and Elizondo.

Claims 3, 10, 21, 28, 47, and 54 depend respectively from, and further limit, claims 1, 19, and 45. At least some of the deficiencies of claims the combination of Valloppillil, Karlsson, and Yamaguchi with respect to claims 1, 19, and 45 are discussed above. Elizondo does not remedy the above-identified deficiencies of Valloppillil, Karlsson, and Yamaguchi, and consequently the combination of Valloppillil, Karlsson, Yamaguchi, and Elizondo fails to disclose or suggest all of the elements of any of the presently pending claims.

Elizondo generally relates to provision of short message services. As explained at column 2, lines 47-56, thereof, Elizondo aims to provide a method that allows the HLR to determine the proper address for the MSC (or VLR) serving a roaming MS, when requested by an external node, while enabling communication between the external node and the MS, MSC, or VLR, so as to provide proper addressing of SMS services to MSs roaming in an SS7 network that is different from the MS home network, when SMS reception from SS7 networks is not being used by the MS. Accordingly, it is

unsurprising that Elizondo fails to remedy the above-identified deficiencies of the combination of Valloppillil, Karlsson, and Yamaguchi.

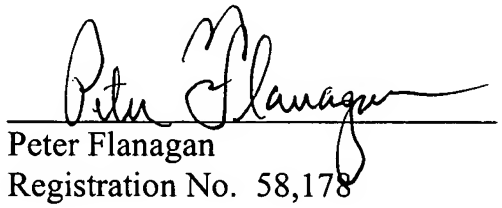
Thus, it is respectfully submitted that the combination of Valloppillil, Karlsson, Yamaguchi, and Elizondo fails to disclose or suggest all of the elements of claims 3, 10, 21, 28, 47, and 54, and it is respectfully requested that the rejection of claims 3, 10, 21, 28, 47, and 54 be withdrawn.

For all the reasons above, it is respectfully submitted that each of claims 1-3, 5-21, 23-36, 45-47, and 49-69 recites subject matter that is neither disclosed nor suggested in the cited art. Furthermore, the rejection is clearly improper because features from the cited references have been taken out of their original contexts and placed in new contexts without any reason (such as teaching, motivation, or suggestion) that would have caused one of ordinary skill in the art to do so, without the benefit of the present application. It is, therefore, respectfully requested that all of claims 1-3, 5-21, 23-36, 45-47, and 49-69 be allowed, and that this application be passed to issue.

If, for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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